

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAWRENCE C. SMITH,  
Plaintiff,

v.

SECRETARY, et al.,  
Defendants.

No. 2:21-cv-00519 WBS DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims defendants violated his rights under the Eighth Amendment through their deliberate indifference and state created danger to the plaintiff. Plaintiff has filed a motion to amend his complaint. (ECF No. 13.) As plaintiff's complaint has not yet been served, plaintiff may amend his complaint without leave of the court. See Fed. R. Civ. P. 15(a)(1). Additionally, the court filed an order directing plaintiff to file an amended complaint prior to this motion. (See ECF No. 12.) As such, plaintiff's motion will be granted and the First Amended Complaint ("FAC") will be the operative complaint in this action. This complaint will be screened in due course.


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1 For the foregoing reasons, IT IS HEREBY ORDERED that plaintiff's motion for leave to  
2 amend (ECF No. 13) is granted.

3 DATED: August 26, 2022

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6 DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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